

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Antonio Tucker,)
)
Plaintiff,)
) Civil Action No. 6:16-cv-00313-TMC
v.)
)
Jawarski Shelton and)
Laurens County Sheriff's Office)
)
Defendants.)

ORDER

Plaintiff, represented by counsel, filed a Complaint (ECF No. 1) asserting a Fourth Amendment claim pursuant to 42 U.S.C. § 1983 against Defendant Shelton and state law claims of malicious prosecution, abuse of process, and intentional infliction of emotional distress against Defendant Laurens County Sheriff's Office ("LCSO"). Defendants subsequently filed a motion for summary judgment. (ECF No. 33). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Defendant Shelton's motion for summary judgment be denied and that Defendant LCSO's motion for summary judgment as to state law claims of malicious prosecution and abuse of process be denied. (ECF No. 58). The Report further recommends that Defendant LCSO's motion for summary judgment as to the state law claim of intentional infliction of emotional distress be granted. (ECF No. 58). Neither party filed objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for

adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the Report (ECF No. 58), which is incorporated herein by reference. Accordingly, Defendant Shelton’s motion for summary judgment (ECF No. 33) is **DENIED** and Defendant LCSO’s motion for summary judgment as to the state law claims of malicious prosecution and abuse of process (ECF No. 33) are **DENIED**. Furthermore, Defendant LCSO’s motion for summary judgment as to the state law claim of intentional infliction of emotional distress (ECF No. 33) is **GRANTED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
December 5, 2017